

After reviewing the record, the Appeals Board finds the Order by the Administrative Law Judge should be affirmed. Claimant testified that he suffered injury on February 22, 1995 when a catalytic converter and exhaust system fell on claimant from the vehicle on which claimant was working. Claimant testified that he suffered headaches, as well as pain and numbness in his neck and upper back. Respondent has produced the testimony of three witnesses. One testified that he advised claimant his employment was being

terminated before claimant advised him of the accident. The second described the condition of the vehicle and indicates it was in a position where the exhaust could fall. The third testified that from the condition in which he found the vehicle, it is unlikely that the catalytic converter and exhaust fell.

The decision made by the Administrative Law Judge depends largely on the credibility of the witnesses who appeared and testified before him. Giving deference to his evaluation of the credibility of the witnesses, the Appeals Board finds that the Order should be affirmed.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Steven J. Howard, dated July 26, 1995 should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of October, 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: William Hutton, Kansas City, Kansas
Jeffrey S. Austin, Overland Park, Kansas
Steven J. Howard, Administrative Law Judge
Philip S. Harness, Director